

BS00-086



0410 2500 2150 0628 #10 2300
10-21-01 PATENT 2100 130

In re the Application of:

SCOTT M. FRANK ET AL

Serial No.: 09/750,154

Filed: December 29, 2000

For: SYSTEM AND METHOD FOR
DETERMINING THE MARKETABILITY
OF INTELLECTUAL PROPERTY ASSETS

Art Unit: 2161

Examiner: Not Yet Assigned

RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Box: Missing Parts
Commissioner for Patents
Washington, D.C. 20231

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Group 2100

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) dated September 25, 2001 (copy attached), applicants respond as follows and respectfully request that the Notice of Incomplete Reply be withdrawn.

Applicants filed the present application on December 29, 2000. Applicants received a Notice to File Missing Parts of Nonprovisional Application dated February 20, 2001 that (i) stated that the oath or declaration was missing; and (ii) required substitute drawings in compliance with 37 CFR 1.84.

On April 18, 2001, Applicants submitted substitute drawings. Applicants subsequently received a Notice of Incomplete Reply (Nonprovisional) dated June 5, 2001 stating that the oath or declaration was missing.

On August 8, 2001, Applicants submitted a Preliminary Amendment amending claim 1 and adding new claims 2-34.

Serial No.: 09/750,154
Art Unit: 2161
Attorney's Docket No.: BS00-086

On August 17, 2001, Applicants submitted a Response to the Notice of Incomplete Reply dated June 5, 2001, which enclosed (i) a copy of the Notice of Incomplete Reply dated June 5, 2001, (ii) a copy of the Notice to File Missing Parts dated February 20, 2001, (iii) a Declaration and Power of Attorney for Patent Application signed by Applicants; (iv) the \$130 fee, and (v) a Petition for a Four Month of Extension of Time with the required fee. A copy of Applicants' August 17, 2001 submission (excluding the Assignment and Recordation Form Cover Sheet) is enclosed together with a copy of the Return Postcard stamped August 17, 2001 showing receipt by the PTO on August 17, 2001 of Applicants' submission.

The Notice of Incomplete Reply (Nonprovisional) dated September 25, 2001, which was sent in response to Applicants' August 8, 2001 submission of a Preliminary Amendment, should be withdrawn because Applicants' completely replied on August 17, 2001 to the Notice to File Missing Parts dated February 20, 2001 and the Notice of Incomplete Reply dated June 5, 2001. While the Notice of Incomplete Reply dated September 25, 2001 states that the oath or declaration is missing, Applicants have explained above that the oath or declaration was received by the PTO on August 17, 2001.

Applicants do not believe any fee is presently required because Applicants completed replied on August 17, 2001. The Commissioner is hereby authorized, however, to charge any additional fees associated with this communication or credit any overpayment to Deposit Account 50-1390.

Serial No.: 09/750,154
Art Unit: 2161
Attorney's Docket No.: BS00-086

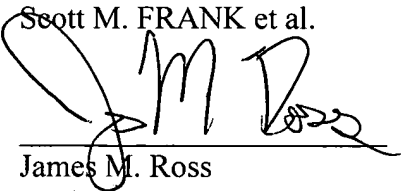
Applicants respectfully submit that the application was complete on August 17, 2001.

Applicants respectfully request that the Notice of Incomplete Reply dated September 25, 2001 be withdrawn and that the subject application be placed upon the files for examination.

Respectfully submitted,

Scott M. FRANK et al.

By:


James M. Ross
Registration No. 42,115

SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7631

Date: October 19, 2001

AB/JMR/dkp

Document #: 1155303 v.1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/750,154	12/29/2000	Scott M. Frank	BS00-086

SHAW PITTMAN
2300 N Street, N.W.
Washington, DC 20037

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CONFIRMATION NO. 7629

FORMALITIES LETTER



OC000000006788191

Date Mailed: 09/25/2001



NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 08/08/2001 to the Notice to File Missing Parts (Notice) mailed 06/05/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Atty. Dkt. No. BS00-086; 22367.0172
USSN 09/750,154 of Scott M. FRANK et al.
Title: "SYSTEM AND METHOD FOR DETERMINING THE
MARKETABILITY OF INTELLECTUAL PROPERTY"
Filing Date: December 29, 2001



_____	Decl. of Use	_____	\$8	_____	\$15
_____	TM Renewal	_____	Main. Fee	_____	
X	Assignment	_____	Small Entity Stat.	_____	
_____	Issue Fee	_____	Discl. Statement	_____	
_____	Amendment	_____	Check For	_____	
_____	New Appln.	X	Declaration	_____	
_____	Pages Spec.	_____	Sht. Drwg.	_____	Claims
_____	Cert. Copy of	_____		_____	
	Resp.to Not.of Incomplete Reply of Non-Prov.App., Copy of Not. to File Miss.Parts;Dec.& P.of Attorney.;Assign.Record.Form-Patents;Petition for EOT; Chrg DPA \$1,560.00;postcard				
X					
Due:	08/20/01				
Via:	Courier				
					Initial: JMR/bab

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

SCOTT M. FRANK ET AL

Serial No.: 09/750,154

Filed: December 29, 2000

For: SYSTEM AND METHOD FOR
DETERMINING THE MARKETABILITY
OF INTELLECTUAL PROPERTY ASSETS



Art Unit: 2161

Examiner: Not Yet Assigned

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Group 2100

**RESPONSE TO NOTICE OF INCOMPLETE REPLY NON PROVISIONAL
APPLICATION**

Box: Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Reply Non Provisional Application dated June 5, 2001 (copy attached), which references the Notice to File Missing Parts of Non Provisional Application Filed Under 37 C.F.R. 1.53(b) mailed February 20, 2001 (copy attached), applicants are submitting herewith:

☒ Declaration and Power of Attorney for Patent Application signed by Applicants.

Transmittal of Formal Drawings were previously filed on April 18, 2001.

A fee of \$130.00 is believed to be due. The Commissioner is hereby authorized to charge this fee and any additional fees associated with this communication or credit any overpayment to Deposit Account 50-1390.

It is respectfully submitted that the application is now complete and it is respectfully requested that the subject application be placed upon the files for examination.

Serial No.: 09/750,154
Art Unit: 2161
Attorney's Docket No.: BS00-086

Respectfully submitted,

Scott M. FRANK



By:

James M. Ross

Registration No. 42,115

*Pol C. Chua
Reg. No. 44,615
for*

SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7631

Date: August 17, 2001

AB/JMR/bab

Document #: 1146355 v.1



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/750,154	12/29/2000	Scott M. Frank	BS00-086

CONFIRMATION NO. 7629

FORMALITIES LETTER



OC000000006146617

SHAW PITTMAN
2300 N Street, N.W.
Washington, DC 20037

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NOV 29 2001
Group 2100

Date Mailed: 06/05/2001



NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 04/18/2001 to the Notice to File Missing Parts (Notice) mailed 02/20/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 was not received.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

lit
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Page 1 of 2

NOV 29 2001

Group 2100



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/750,154	12/29/2000	Scott M. Frank	BS00-086

SHAW PITTMAN
2300 N Street, N.W.
Washington, DC 20037**COPY**

CONFIRMATION NO. 7629

FORMALITIES LETTER



Date Mailed: 02/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

Zm

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.
BS00-086

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

SYSTEM AND METHOD FOR DETERMINING THE MARKETABILITY OF INTELLECTUAL PROPERTY ASSETS

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on December 29, 2000 as United States Application No. or PCT International Application Number 09/750,154

and was amended on August 8, 2001

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

<u>60/173,919</u>	<u>December 30, 1999</u>
(Application Serial No.)	(Filing Date)
<u>60/192,862</u>	<u>March 29, 2000</u>
(Application Serial No.)	(Filing Date)
<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u> </u>	<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u> </u>	<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u> </u>	<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Lawrence J. Gotts - Reg. No. 31,163
 Michael D. Bednarek - Reg. No. 32,329
 Aslan Baghdadi - Reg. No. 34,542
 Elizabeth M. Roesel - Reg. No. 34,878
 David C. Isaacson - Reg. No. 38,500

Michael S. Lee - Reg. No. 41,434
 Steven P. Arnheim - Reg. No. 43,475
 Poh C. Chua - Reg. No. 44,615
 Michele M. Burris - Reg. No. 44,576
 Michael A. Oblon - Reg. No. 42,956
 Lawrence D. Eisen - Reg. No. 41,009
 James M. Ross, Reg. No. 42,115
 Michelle S. Marks, Reg. No. 41,971
 David B. Schmickel, Reg. No. 40,270
 Robert W. Busby, Jr., Reg. No. 40,930

all of: SHAW PITTMAN LLP
 1650 Tysons Boulevard
 McLean, VA 22102-4859

Send Correspondence to: James M. Ross
 SHAW PITTMAN LLP
 1650 Tysons Boulevard
 McLean, VA 22102-4859

Direct Telephone Calls to: (name and telephone number)
 James M. Ross (703) 770-7631

Full name of sole or first inventor Scott M. Frank	
Sole or first inventor's signature <i>Scott M. Frank</i>	Date 8/10/01
Residence 5419 Redfield Cir., Dunwoody, GA 30338	
Citizenship U.S.	
Post Office Address 5419 Redfield Cir., Dunwoody, GA 30338	


Full name of second inventor, if any Carol T. Beckham	
Second inventor's signature <i>Carol T. Beckham</i>	Date 8/15/01
Residence 2074 Melissa Ct Marietta Ga. 30062	
Citizenship U.S.	
Post Office Address same 2074 Melissa Ct Marietta Ga 30062	

Full name of third inventor, if any Martin McLendon	
Third inventor's signature <i>M. L. McLendon</i>	Date 8/13/01
Residence 2458 CARDINAL WAY, TUCKER GA 30084	
Citizenship U.S.A.	
Post Office Address 2458 CARDINAL WAY, TUCKER GA 30084	

Full name of fourth inventor, if any Shannon M. Short	
Fourth inventor's signature <i>Shannon Short</i>	Date 8/10/01
Residence 216 Triumph Dr Atlanta GA 30327	
Citizenship US	
Post Office Address 216 Triumph Dr Atlanta GA 30327	

Full name of fifth inventor, if any Michael Bishop	
Fifth inventor's signature <i>Michael Bishop</i>	Date 8/14/01
Residence 760 MYRTLE ST ATL, GA 30308	
Citizenship U.S.A.	
Post Office Address 760 MYRTLE ST ATL, GA 30308	

Full name of sixth inventor, if any Vernon Meadows	
Sixth inventor's signature <i>Vernon Meadows</i>	Date 8/13/01
Residence 4745 BRIDGEWATER DRIVE, Lilburn, GA. 30047	
Citizenship US	
Post Office Address 4745 BRIDGEWATER DRIVE, Lilburn, GA. 30047	

Full name of seventh inventor, if any Steven Overcash	
Seventh inventor's signature 	Date 8/13/01
Residence 1565 Ridge Forest Lane, Grayson, GA 30017	
Citizenship US	
Post Office Address 1565 Ridge Forest Lane, Grayson, GA 30017	

Full name of eighth inventor, if	
Eighth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of ninth inventor, if any	
Ninth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of tenth inventor, if any	
Tenth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Large Entity)

Docket No.
BS00-086

In Re Application Of: **Scott M. FRANK**

Serial No.
09/750,154

Filing Date
December 29, 2000

Examiner
not yet assigned

Group Art Unit
2161

Invention:

SYSTEM AND METHOD FOR DETERMINING THE MARKETABILITY OF INTELLECTUAL PROPERTY

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NOV 29 2001

Group 2100

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of February 20, 2001 above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☐ Three months ☒ Four months ☐ Five months

from: April 20, 2001 until: August 20, 2001
Date *Date*


The fee for the extension of time is **\$1,390** and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-1390**
A duplicate copy of this sheet is enclosed.
☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **50-1390**
A duplicate copy of this sheet is enclosed.


Poh C. Chun
Reg. 44,615

Dated: **August 17, 2001**

Signature


James M. Ross
Reg. No. 42,115
SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102-4859

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc: